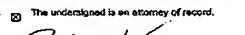


Terminal Disclaimer To Obviate A Double Patenting Rejection Over A Prior Patent				Docket No. FISI-2001-0156
In Re Application Of: Edelstein et al.				
Serial No. 10/805,861	Filing Date 13/08/2001	Examiner Fuller, Eric B.	Group Art Unit 1762	
Invention: LOW K DIELECTRIC FILM DEPOSITION PROCESS				
Owner of Record: International Business Machines Corporation				
TO THE COMMISSIONER FOR PATENTS:				
<p>The above-identified owner of record of a 100 percent interest in the instant application hereby disclaims, except as provided below, the terminal part of the statutory term of any patent granted on the instant application, which would extend beyond the expiration date of the full statutory term defined in 35 U.S.C. 154 to 166 and 173, as presently shortened by any terminal disclaimer, of prior Patent No. 6,147,009. The owner hereby agrees that any patent so granted on the instant application shall be enforceable only for and during such period that it is and the prior patent are commonly owned. This agreement runs with any patent granted on the instant application and is binding upon the grantee, its successors and/or assigns.</p> <p>In making the above disclaimer, the owner does not disclaim the terminal part of any patent granted on the instant application, as well as the entire statutory term of any patent issued under 35 U.S.C. 154, 155, 156, 157, 158 or 159, or any other patent, as presently shortened by any terminal disclaimer, in the event that it later expires for failure to pay a maintenance fee, is held unenforceable, is found invalid by a court of competent jurisdiction, is statutorily disclaimed in whole or terminally disclaimed under 37 C.F.R. 1.321, has all claims superseded by a reexamination certificate, is reissued, or is in any manner terminated prior to the expiration of the full statutory term as presently shortened by any terminal disclaimer.</p>				
<p>Check either box 1 or 2 below, if appropriate.</p> <p><input type="checkbox"/> For submissions on behalf of an organization (e.g., corporation, partnership, university, government agency, etc.), the undersigned is empowered to act on behalf of the organization.</p> <p>I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that wilful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such wilful false statements may jeopardize the validity of the application or any patent issued thereon.</p> <p><input checked="" type="checkbox"/> The undersigned is an attorney of record.</p>				
			<p>Dated: November 12, 2003</p>	
<p>Peter R. Hirschman, Reg. No. 43,618 <i>Oppenheimer, Feldman & Ritter, LLP</i></p>				
<p><input checked="" type="checkbox"/> Terminal disclaimer fee under 37 C.F.R. 1.200(d) included. <input checked="" type="checkbox"/> PTO suggested wording for terminal disclaimer was unchanged. <input checked="" type="checkbox"/> Certification under 37 C.F.R. 3.73(b) is required if terminal disclaimer is signed by the assignee.</p>				

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TO THE COMMISSIONER FOR PATENTS:

The above-identified owner of record of a 100 percent interest in the instant application hereby disclaims, except as provided below, the termial part of the statutory term of any patent granted on the instant application, which would extend beyond the expiration date of the full statutory term defined in 35 U.S.C. 154 to 155 and 173, as presently shortened by any terminal disclaimer, of prior Patent No. 6,147,009. The owner hereby agrees that any patent so granted on the instant application shall be enforceable only for and during such period that it and the prior patent are commonly owned. This agreement runs with any patent granted on the instant application and is binding upon the parties, their successors and/or assigns.

In making the above disclaimer, the owner does not disclaim the terminal part of any patent granted on the instant application that would extend to the expiration date of the first statutory term as defined in 35 U.S.C. 154 or 156 and 173 of the prior patent, as presently shortened by any terminal disclaimer, in the event that it later expires for failure to pay a maintenance fee, is held unenforceable, is found invalid by a court of competent jurisdiction, if it later disclaimed in whole or terminally disclaimed under 37 C.F.R. 1.321, has all claims deleted by a reexamination certificate, is released, or is in any manner terminated prior to the expiration of its first statutory term as presently shortened by any terminal disclaimer.

Check either box 1 or 2 below, if appropriate.

1. For submissions on behalf of an organization (e.g., corporation, partnership, university, government agency, etc.), the undersigned is empowered to act on behalf of the organization.

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that without false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such wilful false statements may jeopardize the validity of the application or any patent issued thereon.

2. The undersigned is an attorney of record.

Dated: November 12, 2003

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- Terminal disclaimer fee under 37 C.F.R. 1.20(d) included.
 PTO suggested wording for terminal disclaimer was unchanged.
 Certification under 37 C.F.R. 3.73(b) is required if terminal disclaimer is signed by the assignee.

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